

REMARKS

Currently, claims 12-21, 23-26, and 28-35 remain pending in the present application, including independent claims 12, 25, and 31 and new claims 32-35. Applicants note that the limitations of previously pending claim 22 has been incorporated into independent claim 12. Also, the limitations of previously pending claim 27 have been incorporated into independent claim 25. As such, the rejections of these respective dependent claims are addressed, instead of the rejections of the original independent claims 12 and 25.

In the Office Action, previously pending claim 27 was rejected under 35 U.S.C. § 102(b) in view of U.S. Pat. No. 4,835,899 to Helton. Helton is directed to a fishing lure body that is covered with three separate coatings. The first coating is of a dark adhesive material. Col. 2, lines 18-32. The second coating overlies the first coating and includes a binder and temperature sensitive encapsulated liquid crystals. Col. 2, lines 33-46. The second coating is overlaid with a third coating of a clear sealant material. Col. 2, lines 47-50. After the third coating is dried, the decorative paints are applied over the coating to form the eyes and scales. Col. 3, line 50-52.

However, Helton fails to teach or even suggest all of the limitations of independent claim 25. As a result of the coatings and subsequent painting disclosed by Helton, the final lure's outward appearance is substantially different than the lure body's appearance without any of the coatings. For example, the first coating is of a dark adhesive "to provide the layer with a dark color." Col. 2, lines 20-23. Thus, this layer presumably conceals the body's appearance in the final lure. Additionally, on top of the outermost layer, the lure body is further painted to provide eyes and scales to the final

lure. Col. 3, line 50-52. As such, the underlying lure body's appearance, without the coatings and subsequent paintings, does not produce the outward appearance of the fishing lure.

In stark contrast, independent claim 25 is directed to a fishing lure having a lure body with an outer body surface being partly colored substantially as a ready bait body. Thus, the outer body surface is colored and patterned to produce the outward appearance of the fishing lure, even when enclosed by the transparent coat. Applicants respectfully submit that Helton completely fails to teach such a configuration of a fishing lure. As such, Applicants respectfully submit that independent claim 25 is not anticipated by Helton.

Additionally, some of the dependent claims of independent claims 12 and 25 were rejected under 35 U.S.C. § 103(a) in view of Helton in combination with another reference. However, Applicants respectfully submit that when Helton is viewed as a whole, no motivation or suggestion exists to somehow modify the coating layers of Helton to allow for the lure body's appearance to form the outer appearance of the final lure. In fact, as pointed out above, Helton actually teaches away from such a configuration by disclosing that the first coating is a dark color and that eyes and scales are painted onto the outer surface of the outermost layer. As such, Applicants respectfully submit that all of the pending claims in the present application are patentable over Helton, either alone or in any combination, at least for the reasons outlined above.

Also in the Office Action, previously pending claim 22 and independent claim 31 were rejected under 35 U.S.C. § 102(b) in view of U.S. Pat. No. 5,355,613 to Kechriotis.

Kechriotis is directed to a cast of a baitfish encased in a clear plastic material.

However, Kechriotis fails to teach or even suggest all of the limitations of independent claims 12 and 31. For instance, Kechriotis does not disclose a partly hollow body defining an inner body surface causing refraction of light inside the body. Likewise, the Office Action, although rejecting these claims under 35 U.S.C. §102(b) in view of Kechriotis, completely fails to address this limitation. As explained by the present application, one way to create different color and light effects in a lure is to use inner constructions in the body causing the refraction of light inside the body. Application, pg. 5, lines 17-24.

Applicant notes that Kechriotis does disclose an air space can be disposed within the body to “ensure that the lure balances in an upright position within the water.” Col. 4, lines 42-45. However, this disclosure provides no motivation or suggestion for an inner surface causing refraction of light inside the body, such as required by independent claims 12 and 31. As such, Applicants respectfully submit that independent claims 12 and 31, along with dependent claim 30, are patentable over Kechriotis.

Also, the Office Action rejected claim 24 was rejected under 35 U.S.C. § 103(a) in view of Kechriotis. Applicants note that in order to establish *prima facie* obviousness, all of the claimed limitations must be taught or suggested in the prior art. See, e.g., MPEP § 2143.03. Nowhere does Kechriotis, nor any of the cited references, teach or suggest the use of silicone rubber as a transparent coating of a lure body. As such, Applicants respectfully submit that claims 24, 32, and 33 are patentable over the cited references.

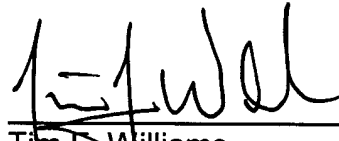
Applicants submit that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Should any issues remain after consideration of the claims, however, then Examiner Rowan is invited and encouraged to telephone the undersigned at his convenience in order to expedite prosecution.

Please charge any additional fees required by this Response to Deposit Account No. 04-1403.

Respectfully submitted,

DORITY & MANNING,
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11/14/06
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